

CHAPTER XVII

VACATION OF PUBLIC WAYS

SECTION 17.00. (Procedure). The Common Council may, by resolution adopted by five affirmative votes, vacate any public street, alley, way, grounds or easement, or any part thereof, upon its own motion or by acting upon a petition filed by the owners of at least fifty percent of the lands which abut the line of the portion of the public street, alley, way, grounds or easement, or part thereof, proposed to be vacated. No vacation shall be made unless the Common Council finds that to do so is in the public interest. Prior to adopting said resolution, the Common Council shall conduct a public hearing preceded by notice published and posted at least 10 days prior to the hearing, and notice of said hearing shall be mailed at least 10 days prior to the date thereof to all owners of record of lands which abut the line of the portion of the public street, alley, way, ground or easement, or portion thereof, proposed to be vacated. Following adoption, the resolution shall be published once and thereafter a copy shall be filed by the City Clerk in the Office of the County Recorder for Olmsted County.

(3010, 12/7/95)

SECTION 17.01. (Compensation). The Common Council may, by resolution, provide that no such vacation shall be valid until the value of the premises so vacated shall be deposited in the City treasury, which value shall be fixed by such resolution which shall be passed by a vote of five members thereof at not less than a proportionate average value of the abutting property, according to the last previous assessment for taxation.

SECTION 17.02. (Appeal). A person aggrieved by the vacation of any public street, alley, way, grounds or easement, or any part thereof, may appeal to the District Court of Olmsted County by filing with the court a petition for review, with proof of service upon the city clerk, within 20 days of the publication of the vacation resolution.